



FPA/N No: 2605232

Effective Date: April 3, 2003

Expiration Date: April 3, 2005

Shut Down Zone: 650

EARR Tax Credit: ☒ Eligible ☐ Non-eligible

## Forest Practices Application/Notification Notice of Decision

### DECISION:

- ☐ NOTIFICATION      Operations shall not begin before the effective date.
- ☒ APPROVED      This Application is approved and is subject to the conditions listed below.
- ☐ DISAPPROVED      This Application is disapproved for the reasons listed below.
- ☐ CLOSED-OUT      ☐ Cancelled by DNR      ☐ Withdrawn by applicant

### CONDITIONS / REASONS:

Issued By: <i>Connie L. Salter</i>	Title: <i>AA2</i>
Region: OLYMPIC	Date: <i>4-3-03</i>

Copies to: ☐ Landowner *DNR - Rooster 30 PC*  
☐ Timber Owner  
☐ Operator

THE FOLLOWING IS PROVIDED FOR YOUR INFORMATION:

**Forest Practice Application/notifications are posted to the Internet by the Forest Practice Application Review System (FPARS). Applicants, reviewers and interested parties can review existing proposals if they have completed a reviewer profile and the DNR has issued a login and password. You may get a profile form from the FPARS web site at:**

**<http://www.wa.gov/dnr/htdocs/forestpractices/>**

**You may also get a copy of your application / notification from you local DNR region office.**

**Also available from the FPARS website are the FPA/N form and instructions, FPA/N maps, Renewal forms, other required forms and helpful information.**

**Appeal Information:**

RCW 76.09.220 (8) provides any aggrieved person the right to appeal the approval or disapproval of a forest practices application. RCW 43.21C.075 provides any aggrieved person the right to appeal issues arising under the State Environmental Policy Act. Appeals must be filed within 30 days of the approval or disapproval of the forest practices application. Appeals must be filed with the **FOREST PRACTICES APPEALS BOARD**, PO BOX 40903, 4224-6th Ave SE Bldg #2, Lacey, WA 98504-0903. Appeals must be filed in writing on the form required in Title 223-08. Concurrently with filing of the Forest Practices Appeals Board, copies of the appeals must also be filed with the **OFFICE OF THE SUPERVISOR, DEPT OF NATURAL RESOURCES**, 1111 Washington St SE, 4th Floor Natural resources Bldg., PO BOX 47012, Olympia, WA 98504-7001, and with the **ATTORNEY GENERAL**, PO BOX 40100, OLYMPIA, WA 98504-0100.

**Other Applicable Laws:**

Operating as described in this application/ notification **does not ensure compliance with the Endangered Species Act, or other federal, state, or local laws.**

**Change of Operator, Landowner or Timber Owner:**

If the landowner changes the **operator**, the landowner shall **notify the DNR in writing within 48 hours** of the change. Appropriate forms are available at the DNR region office and at the above FPARS website. Use this form to also notify DNR of a change in landowner and/or timber owner.

**Notice of Sale or Transfer of Land or Timber:**

**Sellers and Buyers of land and perpetual timber rights** have certain rights and responsibilities when the land or perpetual timber rights are sold or transferred. Where the land is subject to certain continuing forestland obligations including without limitation reforestation, Road Maintenance and Abandonment Plans and Harvest Strategies along Type 4 Waters in Eastern Washington, **prior to the sale or transfer of the land or perpetual timber rights the law requires that the following occur:** 1) the seller shall notify the buyer of the existence and nature of the obligations and 2) the buyer shall sign a Notice of Continuing Forestland Obligation Form indicating the buyer's knowledge of such obligation. At the time of sale or transfer of the land or perpetual timber rights the seller shall send the signed Form to the Department of Natural Resources (DNR). The Form may be obtained from your DNR region office.

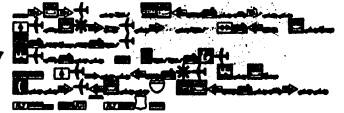
**If the seller fails to notify the buyer** about the continuing forest land obligation referenced above, the seller shall pay the buyer's costs related to such continuing forest land obligation, (including all legal costs) incurred by the buyer in enforcing the continuing forestland obligation against the seller. Failure by the seller to send the required notice to the DNR at the time of sale shall be prima facie evidence, in an action by the buyer against the seller for costs related to continuing forest land obligation, that the seller did not notify the buyer of the continuing forest land obligation prior to sale. See RCW 76.09.070, RCW 76.09.390 and WAC 222-20-055.

There are also other types of continuing forestland obligations subject to certain requirements, including without limitation Small Forest Landowner Forest Riparian Easements and Landowner Landscape Plans. For more information contact the DNR Regional Office.



ROOSTER 20 PL

**HYDRAULIC PROJECT APPROVAL**  
RCW 77.55.100 - appeal pursuant to Chapter 34.05 RCW



**DATE OF ISSUE:** March 5, 2003

**LOG NUMBER:** GH-E9764-02

At the request of Brian Turner on February 12, 2003, this Hydraulic Project Approval (HPA), which now supersedes all previous HPAs for this project, is a change and time extension of the original HPA issued April 22, 2002.

**PERMITTEE**

Washington State Department of Natural Resources  
ATTENTION: Dave Christiansen & Brian Turner  
411 Tillicum Lane  
Forks, Washington 98331  
(360) 374-6131

**AUTHORIZED CONTRACTOR**

Not Applicable

**PROJECT DESCRIPTION:** Felling, Yarding, and Cable Tailholds  
Temporary Yarding Bridges  
Temporary Log Fill Crossings for Timber Harvest  
Temporary Culverts for Forest Roads

**PROJECT LOCATION:** Clallam and Jefferson Counties (WRIA's 19, 20, and 21 only)

**NOTE:** This Hydraulic Project Approval (HPA) pertains to silvicultural activities (thinning or partial cuts only) on lands owned or managed by Washington State Department of Natural Resources (DNR) within Clallam and Jefferson Counties and only within WRIA's 19, 20, and 21.

This HPA pertains to silvicultural activities on Type 1-3 (fish bearing) streams and Type 4 and 5 (non-fish bearing) streams within a quarter mile of a Type 1-3 stream, and Type 4 and 5 streams within two miles upstream of a hatchery intake.

**PROVISIONS**

1. **TIMING LIMITATIONS:** The project may begin **Immediately** and shall be completed by **December 31, 2004**, provided the timing limitations for cable tailholds (Provision 15), temporary log fill crossings (Provision 26), and temporary culverts (Provision 34) shall be followed.
2. **NOTIFICATION REQUIREMENT:** If activity will occur within one mile of a fish hatchery intake, or an alternate riparian harvest plan is used, the appropriate Area Habitat Biologist (AHB) shall be notified in writing at least seven days prior to the start of such activities.

**GENERAL PROVISIONS**

3. Work shall conform to plans and specifications received by the Washington Department of Fish and Wildlife (WDFW) on the Forest Practice Application (FPA), except as modified by this HPA.
4. FPA's that are classed as "Class IV General" or "Class IV Special" are not covered by this HPA.
5. DNR shall notify WDFW in writing or identify in question 26 of the FPA that harvest activities will be conducted in accordance with this HPA or if a separate Hydraulic Project Application will be necessary. Notification shall clearly identify application to Type 1-3 streams.



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6. A yearly project completion report shall be submitted to the WDFW Port Angeles Office by January 30. The report shall contain the following information: FPA numbers conducted under this HPA, completion dates of those FPA's or indication that work is on-going, and associated stream name(s) directly related to each FPA.
7. If at any time, as a result of project activities, fish are observed in distress, a fish kill occurs, or water quality problems develop (including equipment leaks or spills), operations shall cease and the appropriate WDFW AHB and Washington Department of Ecology at (360) 407-6000 shall be contacted immediately. Work shall not resume until further approval is given by WDFW.
8. Work in Type 1-2 streams shall be restricted to the placement of cable tailholds over the stream, yarding logs away from the stream, and removal of incidental limby debris from the stream.

**FELLING**

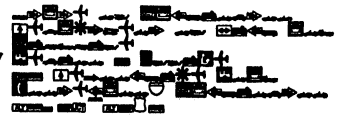
9. Trees shall not be felled into or across any Type 1-3 stream.
10. Where feasible, timber shall be directionally felled away from applicable Type 4-5 streams. Trees which cannot be safely felled away from the stream, or which roll into the stream, shall be suspended before yarding.

**YARDING**

11. Logs transported across Type 3-5 streams shall be fully suspended so no portion of the logs or limbs can enter the stream or damage the streambed or banks.
12. Where there is no reasonable alternative, one-end suspension yarding over Type 3-5 streams may occur if temporary "yarding bridges" are installed to support the trailing end of the logs. Placement of logs or full trees over the streams to function as yarding bridges shall be conducted per Provisions 20 through 24 below and shall be overseen by the DNR Area Forester.
13. No logs may be yarded over Type 1-2 streams.
14. Other than the activities authorized in Provisions 25 through 32 below, there shall be no ground skidding, ground lead yarding, or ground-based equipment operation within Type 1-3 streams or applicable Type 4-5 streams.

**CABLE TAILHOLDS**

15. Timing Limitations:
  - A. Cable tailholds across Type 1 and 2 streams when yarding activity will occur **within 200 feet** of a Type 1 or 2 stream shall only occur between June 15 and October 15 of the calendar year.



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B. Cable tailholds across Type 1 and 2 streams where yarding activity will occur over 200 feet from a Type 1 or 2 stream, **provided** cables will not be allowed to contact leave trees and riparian vegetation during yarding activities, may occur year-round.

C. Cable tailholds across Type 3-5 streams may occur year-round.

16. When changing tailholds over Type 1-5 streams, the lines shall be moved over and around leave trees and riparian vegetation prior to retightening. The number of yarding roads shall be kept to a minimum.

17. Line whip shall be kept to a minimum.

#### **SLASH REMOVAL FROM STREAMS**

18. If, as a result of felling and yarding of timber, limbs or other small debris enter a Type 1-5 stream, they shall be removed concurrently with each change in yarding road, or within 24 hours after entry into the stream, and placed outside the 100-year flood plain. Large woody material which was in place prior to felling and yarding shall not be removed or otherwise disturbed.

#### **SEDIMENT CONTROL**

19. **There shall be no sedimentation of any stream from felling or yarding of timber.** If sedimentation occurs from felling or yarding, operations shall cease and the source of sedimentation shall be controlled using established erosion control methods. When the sedimentation source has been eliminated, felling or yarding may resume.

#### **TEMPORARY YARDING BRIDGES**

20. If full suspension yarding cannot be achieved, temporary yarding bridges for one-end suspension yarding over Type 3-5 streams shall be authorized by this HPA. Each yarding bridge shall be installed to support the trailing end of suspended logs and to protect the streambed and stream banks.

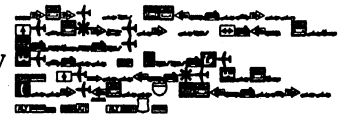
21. Each yarding bridge shall consist of logs or whole trees placed over the stream and shall be installed to ensure that logs will not fall off the bridge and into the stream during yarding. **There shall be no yarding logs through the stream.**

22. There shall be no sedimentation of the stream from yarding operations or placement/removal of yarding bridges.

23. Each yarding bridge shall fully span over and above the stream.

24. Following the completion of yarding activities, each yarding bridge shall either be removed or placed in the stream if it is deficient in existing large woody material (LWM). **Any placement of LWM in the stream shall be conducted under the supervision of the DNR Area Forester.**

#### **TEMPORARY LOG FILL CROSSINGS FOR TIMBER HARVEST**



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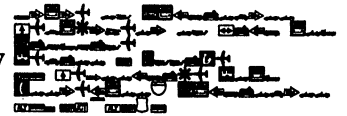
25. Temporary log fill culvert crossings within the Type 3-5 streams shall be authorized by this HPA for ground-based logging activities. Crossings shall be limited to the least number that are necessary to harvest the unit; their placement shall be directed by the DNR Area Forester.
26. **Each temporary log fill and culvert within any Type 3 fish-bearing stream shall remain in place only within the time period June 15 - October 15 of the calendar year.**
27. A single barrel culvert shall be placed in the stream channel in such a manner that both ends of the culvert are resting on the natural streambed.
28. Logs shall be placed in the stream channel over the culvert and up to the level of the stream banks. This shall be the only fill placed within the ordinary high water line of the stream.
29. The culvert shall be placed in the stream at a location that will not require any excavation of the streambed and banks.
30. Crossings shall be restricted to the log fill site and shall only be used by a processor-forwarder.
31. The culvert and log fill shall remain in the stream channel no longer than the minimum amount of time required to harvest the area accessed by the crossing. They shall be removed immediately after harvest has been completed. **The only exception shall be that, should the stream be considered by the DNR Area Forester to be deficient in existing large woody material, an appropriate portion of logs may be left in the stream under his direction.**
32. Disturbance of the streambed and banks shall be limited to that necessary to place the culvert and log fill. Affected streambed and bank areas shall be restored to preproject condition following their removal and shall be protected from erosion using woody material, hay mulch, grass seed, erosion control matting, or other effective means.

#### **TEMPORARY CULVERTS FOR FOREST ROADS**

33. Temporary culverts for forest road crossings of Type 3-5 streams shall be authorized by this HPA.
34. **Each temporary culvert within any Type 3 fish-bearing stream shall remain in place only within the time period June 15 - October 15 of the calendar year.** Each temporary culvert within any Type 4-5 stream may remain in place year-round during unit harvest, **provided** that such culvert shall be sized and installed to the 100-year peak flow.
35. Each temporary culvert shall consist of a single barrel.
36. The culvert shall be installed "on grade" on the surface of the streambed in a way that will not require any excavation of the streambed. In rare instances where excavation may be necessary to place the culvert, it shall be done in the dry or in isolation from the stream flow by the installation of bypass flume or diversion pipe, or by pumping the flow (pump equipped with fish guard in fish-bearing waters) around the work area.



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37. The culvert shall be bedded with logs, clean quality pit run gravel, or a combination of both. Selection of the material used for each culvert shall be determined by the DNR Area Forester.
38. All earth and roadbed material shall be removed prior to removal of the temporary culvert. Logs or clean gravel used to bed the culvert may remain in the stream provided they do not constitute a fish passage or hydraulic problem.
39. The temporary culvert shall be removed and the disturbed bank areas shall be contoured and sloped to a natural, stable configuration. Within seven calendar days of project completion, all disturbed areas shall be protected from erosion using woody material, hay mulch, grass seed, erosion control matting, or other effective means.
40. Extreme care shall be taken to ensure that no petroleum products, hydraulic fluid, dirt, mud, sediments, chemicals, or any other toxic or deleterious materials are allowed to enter or leach into the streams. Project activities shall not degrade water quality downstream to the detriment of fish life.
41. Equipment used for temporary culvert installation/removal may operate below the ordinary high water line (OHWL), provided the drive mechanisms (wheels, tracks, tires, etc.) shall not enter or operate below the OHWL.
42. Equipment crossings of the stream are not authorized by this HPA.

**SEPA:** Exempt, forest practice.

**APPLICATION ACCEPTED:** February 12, 2003    **ENFORCEMENT OFFICER:** Makoviney 031  
[P3]

**Daniel Dafoe** (360) 457-2516 *Daniel Dafoe*  
**Area Habitat Biologist**

**for Director**  
**WDFW**

cc: Frank Geyer, Quileute Natural Resources, P.O. Box 187, LaPush, Washington 98350

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**GENERAL PROVISIONS**

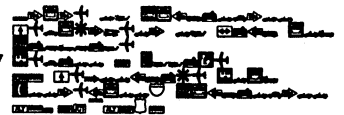
This Hydraulic Project Approval (HPA) pertains only to the provisions of the Fisheries Code (RCW 77.55 - formerly RCW 75.20). Additional authorization from other public agencies may be necessary for this project.

This HPA shall be available on the job site at all times and all its provisions followed by the permittee and operator(s) performing the work.

This HPA does not authorize trespass.



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The person(s) to whom this HPA is issued may be held liable for any loss or damage to fish life or fish habitat which results from failure to comply with the provisions of this HPA.

Failure to comply with the provisions of this Hydraulic Project Approval could result in a civil penalty of up to one hundred dollars per day or a gross misdemeanor charge, possibly punishable by fine and/or imprisonment.

All HPAs issued pursuant to RCW 77.55.100 or 77.55.200 are subject to additional restrictions, conditions or revocation if the Department of Fish and Wildlife determines that new biological or physical information indicates the need for such action. The permittee has the right pursuant to Chapter 34.04 RCW to appeal such decisions. All HPAs issued pursuant to RCW 77.55.110 may be modified by the Department of Fish and Wildlife due to changed conditions after consultation with the permittee: PROVIDED HOWEVER, that such modifications shall be subject to appeal to the Hydraulic Appeals Board established in RCW 77.55.170.

**APPEALS - GENERAL INFORMATION**

IF YOU WISH TO APPEAL A DENIAL OF OR CONDITIONS PROVIDED IN A HYDRAULIC PROJECT APPROVAL, THERE ARE INFORMAL AND FORMAL APPEAL PROCESSES AVAILABLE.

**A. INFORMAL APPEALS (WAC 220-110-340) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100, 77.55.110, 77.55.140, 77.55.190, 77.55.200, and 77.55.290:**

A person who is aggrieved or adversely affected by the following Department actions may request an informal review of:

- (A) The denial or issuance of a HPA, or the conditions or provisions made part of a HPA; or
- (B) An order imposing civil penalties.

It is recommended that an aggrieved party contact the Area Habitat Biologist and discuss the concerns. Most problems are resolved at this level, but if not, you may elevate your concerns to his/her supervisor. A request for an INFORMAL REVIEW shall be in WRITING to the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091 and shall be RECEIVED by the Department within 30-days of the denial or issuance of a HPA or receipt of an order imposing civil penalties. The 30-day time requirement may be stayed by the Department if negotiations are occurring between the aggrieved party and the Area Habitat Biologist and/or his/her supervisor. The Habitat Protection Services Division Manager or his/her designee shall conduct a review and recommend a decision to the Director or its designee. If you are not satisfied with the results of this informal appeal, a formal appeal may be filed.

**B. FORMAL APPEALS (WAC 220-110-350) OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.100 OR 77.55.140:**

A person who is aggrieved or adversely affected by the following Department actions may request a formal review of:

- (A) The denial or issuance of a HPA, or the conditions or provisions made part of a HPA;
- (B) An order imposing civil penalties; or
- (C) Any other "agency action" for which an adjudicative proceeding is required under the Administrative Procedure Act, Chapter 34.05 RCW.

A request for a FORMAL APPEAL shall be in WRITING to the Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, shall be plainly labeled as "REQUEST FOR FORMAL APPEAL" and shall be RECEIVED DURING OFFICE HOURS by the Department within 30-days of the Department action that is being challenged. The time period for requesting a formal appeal is suspended during consideration of a timely informal appeal. If there has been an informal appeal, the deadline for requesting a formal appeal shall be within 30-days of the date of the Department's written decision in response to the informal appeal.

**C. FORMAL APPEALS OF DEPARTMENT ACTIONS TAKEN PURSUANT TO RCW 77.55.110, 77.55.200, 77.55.230, or 77.55.290:**

A person who is aggrieved or adversely affected by the denial or issuance of a HPA, or the conditions or provisions made part of a HPA may request a formal appeal. The request for FORMAL APPEAL shall be in WRITING to the Hydraulic Appeals Board per WAC 259-04 at Environmental Hearings Office, 4224 Sixth Avenue SE, Building Two - Rowe Six, Lacey, Washington 98504; telephone 360/459-6327.

**D. FAILURE TO APPEAL WITHIN THE REQUIRED TIME PERIODS RESULTS IN FORFEITURE OF ALL APPEAL RIGHTS. IF THERE IS NO TIMELY REQUEST FOR AN APPEAL, THE DEPARTMENT ACTION SHALL BE FINAL AND UNAPPEALABLE.**